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COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

v.

CASE NO. PUE000470

COLUMBIA GAS OF VIRGINIA, INC. ,

Defendant

HEARING EXAMINER'S RULING

November 20, 2000

On August 23, 2000, the Commission Staff, by counsel, filed a motion requesting the Commission to issue a Rule to Show Cause ("Rule") against Columbia Gas of Virginia, Inc. ("Columbia Gas" or "the Company") for alleged violation of §§ 56-234, 56-236, and 56-237 of the Code of Virginia for failure to comply with its filed tariffs. At issue is the Company's adjustment of residential customer billing with a temperature compensation factor. The Staff further requested the issuance of a temporary injunction against the Company, upon notice and hearing, enjoining Columbia Gas from further engaging in the aforesaid conduct pending the Commission's final determination in this matter.

On August 25, 2000, the Commission issued a Rule which, among other things, assigned the matter to a Hearing Examiner to determine the issue of whether the temporary injunction requested by the Staff should be issued. The Rule ordered Columbia Gas to appear before the Commission in a hearing on September 11, 2000, and show cause why it should not be enjoined from further violations of §§ 56-234, 56-236, and 56-237 of the Code of Virginia and penalized pursuant to § 12.1-13 of the Code of Virginia. The Rule further ordered Columbia Gas to file a Responsive Pleading expressly admitting or denying the allegations contained in the Rule; the Commission Staff was ordered to file a Reply to the Responsive Pleading.

Columbia Gas filed a Response to the Rule to Show Cause on September 5, 2000, in which, among other things, it stated that it had voluntarily terminated its application of the temperature compensation factor to residential customers. Columbia Gas further argued that due to its cessation of this practice, the September 11, 2000, hearing to determine whether the Company should be enjoined from this practice is unnecessary. Finally, Columbia Gas requested that a hearing be scheduled to address the merits of whether Columbia Gas is entitled to implement the temperature compensation adjustment.

On September 8, 2000, Staff filed a Reply and a Motion Requesting Cancellation of Hearing. In the Motion, Staff joined with Columbia Gas in requesting that the September 11, 2000, hearing be canceled. The request was granted by Commission Order dated September 8, 2000.

I now find it appropriate to establish a procedural schedule and hearing date to consider the merits of this case. Accordingly,

IT IS DIRECTED:

(1) That a public hearing on this matter is hereby scheduled for 10:00 a.m. on February 15, 2001, in a Commission courtroom;

(2) That any Columbia Gas customer desiring to participate in this proceeding shall file written notice of his intent to do so with the Clerk of the Commission, concurrently providing a copy of such notice by mail, postage prepaid, to the Company, and citing Case No. PUE000470, not later than December 11, 2000. Such notice shall be delivered to the Clerk, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218;

(3) That, on or before January 16, 2001, the Staff shall file an original and fifteen (15) copies of its prefiled testimony and shall serve a copy upon counsel for Columbia Gas;

(4) That any interested parties filing notices to participate shall file with the Clerk of the Commission fifteen (15) copies of any prefiled testimony on or before January 16, 2001, concurrently providing a copy to the Company;

(5) That, on or before January 29, 2001, Columbia Gas shall file an original and fifteen (15) copies of its prefiled testimony and shall serve a copy upon counsel for the Staff; and

(6) That, on or before February 5, 2001, the Staff shall file an original and fifteen (15) copies of any rebuttal testimony and shall simultaneously serve a copy upon counsel for Columbia Gas.

Michael D. Thomas
Hearing Examiner